

**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:17-cv-24367-JEM**

Kocaya v. Duke et al  
Assigned to: Judge Jose E. Martinez  
Referred to: Magistrate Judge Alicia M. Otazo-Reyes  
Cause: 05:0552 Freedom of Information Act

Date Filed: 11/28/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****David Kocaya**

represented by **David Kocaya**  
21765-279  
Miami FCI  
Federal Correctional Institution  
Inmate Mail/Parcels  
Post Office Box 779800  
Miami, FL 33177  
PRO SE

V.

**Defendant****Elaine Duke**

*Acting Secretary for Department of  
Homeland Security*

**Defendant****Department of Homeland Security****Defendant**

**Bureau of Immigration and Customs  
Enforcement**

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 11/28/2017 | <u>1</u> | COMPLAINT against Bureau of Immigration and Customs Enforcement, Department of Homeland Security, Elaine Duke, filed by David Kocaya. Filing fees \$ 400.00. NOT PAID/NO IFP FILED. (Attachments: # <u>1</u> Exhibit)(kpe) (Entered: 12/04/2017) |
| 11/28/2017 | 2        | Clerks Notice of Judge Assignment to Judge Jose E. Martinez and Magistrate Judge Patrick A. White. < (kpe) Modified text on 12/5/2017 (jc). (Entered: 12/04/2017)  |
| 12/04/2017 |          | SYSTEM ENTRY – Docket Entry 3 [motion] restricted/sealed until further notice. (nc) (Entered: 12/04/2017)  |
| 12/05/2017 |          | Magistrate Judge Patrick A. White no longer assigned to case. Magistrate Judge Alicia M. Otazo-Reyes added. (jc) (Entered: 12/05/2017)   |
| 12/05/2017 | 4        | Clerks Notice of Docket Correction re 2 Clerk's Notice of Judge Assignment. <b>Incorrect Magistrate Judge Selected</b> ; Corrected by the Clerk. (jc) (Entered: 12/05/2017)  |
| 12/05/2017 | 5        | Clerks Notice re: Filing Fee in the amount of \$ 400.00 – Outstanding/Pending. (jmd) (Entered: 12/05/2017)   |

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| 03/06/2018 | <u>6</u>  | NOTICE of Filing Civil Cover Sheet by David Kocaya re <u>1</u> Complaint (mc) (Entered: 03/06/2018)   |
| 05/15/2018 | <u>7</u>  | NOTICE of Inquiry (copy of docket sheet mailed)by David Kocaya (mee) (Entered: 05/15/2018)  |
| 06/04/2018 | <u>8</u>  | NOTICE of Inquiry (copy of docket sheet mailed) by David Kocaya (mee) (Entered: 06/04/2018)   |
| 06/29/2018 | <u>9</u>  | MOTION for Leave to Proceed in forma pauperis by David Kocaya. (mee) (Entered: 07/02/2018)  |
| 07/03/2018 | <u>10</u> | ORDER Of Reference To Magistrate Judge Alicia M. Otazo-Reyes for Report and Recommendation. Signed by Judge Jose E. Martinez on 7/3/2018. <i>See attached document for full details.</i> (vmz) (Entered: 07/03/2018)  |
| 07/05/2018 | <u>11</u> | NOTICE of Filing Proposed Summons(es) by David Kocaya re <u>1</u> Complaint filed by David Kocaya (mee) (Entered: 07/05/2018)   |
| 10/19/2018 | <u>12</u> | NOTICE of Inquiry (copy of docket sheet mailed)by David Kocaya (mee) (Entered: 10/19/2018)  |
| 12/17/2018 | <u>13</u> | ORDER denying without prejudice <u>9</u> Motion for Leave to Proceed in forma pauperis. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 12/17/2018. <i>See attached document for full details.</i> (jsa) Updated docket text that does not apply to this case on 12/17/2018 per chambers(mf). (Entered: 12/17/2018) |
| 01/10/2019 | <u>14</u> | MOTION to compel defendant to documents Reconsideration/Plaintiffs Extraordinary Prerogative Writ of Mandamus re <u>13</u> Order on Motion for Leave to Proceed in forma pauperis, by David Kocaya. (mee) Modified text on 1/11/2019 (mr1). (Entered: 01/10/2019)   |
| 01/10/2019 | <u>15</u> | MOTION For Any/A11 Forms Of Discovery For Disclosure Of A11 Exculpatory/EXculpatory Evidence; &, A11 Incorporated Affidavits, Declarations & Statements Of 'Authority Jurisdiction/Venue by David Kocaya. (cqs) (Entered: 01/11/2019)   |
| 01/10/2019 | <u>16</u> | APPEAL of Magistrate Judge <u>13</u> Order on Motion for Leave to Proceed in forma pauperis, to District Court (hh) (Entered: 01/11/2019)   |
| 01/11/2019 | <u>17</u> | ORDER OVERRULING PLAINTIFF'S RULE 72 OBJECTIONS overruled and denying <u>16</u> Appeal/Objection of Magistrate Judge Order to District Court. <u>13</u> is affirmed. Signed by Judge Jose E. Martinez on 1/11/2019. <i>See attached document for full details.</i> (mee) (Entered: 01/14/2019)                          |
| 01/23/2019 | <u>18</u> | ORDER TO SHOW CAUSE. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 1/23/2019. <i>See attached document for full details.</i> (jsa) (Entered: 01/23/2019)  |
| 02/05/2019 | <u>19</u> | RESPONSE TO ORDER TO SHOW CAUSE re <u>18</u> Order to Show Cause by David Kocaya. (mee) (Entered: 02/05/2019)   |
| 02/05/2019 | <u>20</u> | ORDER re <u>19</u> Response to Order to Show Cause. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 2/5/2019. <i>See attached document for full details.</i> (jsa) (Entered: 02/05/2019)  |
| 02/27/2019 | <u>21</u> | Clerks Notice of Receipt of Filing Fee received on 2/27/2019 in the amount of \$ 400.00, receipt number FLS100182160. (vt) (Entered: 02/27/2019)  |
| 04/08/2019 | <u>22</u> | ORDER denying without prejudice <u>14</u> MOTION to compel; denying without prejudice <u>15</u> MOTION For Any/A11 Forms Of Discovery. Signed by Magistrate Judge Alicia M. Otazo-Reyes on 4/8/2019. <i>See attached document for full details.</i> (jsa) (Entered: 04/08/2019)   |

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| 05/06/2019 | <u>23</u> | NOTICE of Compliance by David Kocaya re <u>22</u> Order on Motion to Compel,, Order on Motion for Miscellaneous Relief, (Attachments: # <u>1</u> Exhibit) (mee) (Entered: 05/07/2019)  |
| 05/06/2019 | <u>25</u> | Summons Issued as to Department of Homeland Security. (mee) (Entered: 05/07/2019)  |
| 05/07/2019 | <u>24</u> | NOTICE of Filing Proposed Summons(es) by David Kocaya re <u>22</u> Order on Motion to Compel,, Order on Motion for Miscellaneous Relief, (Attachments: # <u>1</u> Summon(s)) (mee) (Entered: 05/07/2019)   |
| 05/14/2019 | <u>26</u> | NOTICE of Inquiry (copy of docket sheet and summons issued mailed) by David Kocaya (mee) (Entered: 05/15/2019)   |
| 08/01/2019 | <u>28</u> | MOTION for A Hearing to This Court, To Show & Demonstrate Their Cause & Scope of Their Arguments by David Kocaya. (Attachments: # <u>1</u> Exhibit) (nc) (Entered: 08/13/2019)   |
| 08/06/2019 | <u>27</u> | MOTION for Default/Summary Judgment by David Kocaya. Responses due by 8/20/2019 (mee) (Entered: 08/06/2019)  |
| 09/13/2019 | <u>30</u> | NOTICE/ "Appendant" for their criminal complaint citation for violations of their 1787–1791 Guaranteed U.S. Constitution Substantive Rights by David Kocaya (lh) (Entered: 09/16/2019)   |
| 09/13/2019 | <u>31</u> | MOTION for Hearing to This Court, To Show & Demonstrate Their Cause & Scope of Their Arguments by David Kocaya. (nc) (Entered: 09/16/2019)   |
| 09/16/2019 | <u>29</u> | NOTICE of Filing Discovery: Letter Request for production of Documents by David Kocaya. (Attachments: # <u>1</u> Exhibit)(lh) (Entered: 09/16/2019)  |
| 09/16/2019 | <u>32</u> | ORDER denying <u>27</u> Motion for Summary Judgment; denying <u>28</u> Motion for Hearing; denying <u>31</u> Motion for Hearing. Signed by Magistrate Judge Alicia M. Otazo–Reyes on 9/16/2019. <i>See attached document for full details.</i> (jsa) (Entered: 09/16/2019) |
| 10/03/2019 | <u>33</u> | MOTION for Reconsideration re <u>32</u> Order on Motion for Summary Judgment, Order on Motion for Hearing, by David Kocaya. (Attachments: # <u>1</u> Exhibit)(mee) (Entered: 10/03/2019)   |
| 10/04/2019 | 34        | PAPERLESS ORDER denying <u>33</u> Motion for Reconsideration. Failure to timely serve Defendants will result in dismissal without prejudice, without further notice. Signed by Judge Jose E. Martinez on 10/4/2019. (mws) (Entered: 10/04/2019)                            |
| 10/08/2019 | <u>35</u> | REQUEST for A Ex Parte Judgment by Nibil Dicit by David Kocaya. (nc) (Entered: 10/08/2019)   |
| 10/08/2019 | <u>36</u> | REQUEST A Nil Dicit No–Answer Default Judgment In Rem by Nibil Dicit Judgment by David Kocaya. (nc) (Entered: 10/08/2019)  |
| 11/06/2019 | <u>37</u> | Letter re unable to file motion due to wide lock down from David Kocaya (mee) (Entered: 11/06/2019)  |
| 11/08/2019 | <u>38</u> | Ex Parte MOTION to Appoint Marshal to Serve Summons and Complaint by David Kocaya. Responses due by 11/22/2019 (Attachments: # <u>1</u> Exhibit, # <u>2</u> Supplement)(mee) (Entered: 11/12/2019)   |